

### **DETAILED ACTION**

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 April 2008 has been entered.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey Hundley on 25 June 2008.

The claims have been amended as follows:

19. (Currently amended) ~~An~~ The immunogenic composition according to claim 61, wherein the immunostimulant is an adjuvant.

61. (Currently Amended) An immunogenic composition comprising an immunostimulant which induces a predominantly Th1-type immune response and a polypeptide, wherein the polypeptide comprises SEQ ID NO:113 ~~or a fragment of SEQ ID NO: 113 consisting of at least amino acid residues 367-375 of SEQ ID NO: 113~~, and wherein the polypeptide stimulates a human cytotoxic T lymphocyte response specific for SEQ ID NO:113.

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63. (Currently amended) ~~An~~ The immunogenic composition according to claim 61, wherein the immunostimulant is selected from the group ~~consisting of: monophosphoryl lipid A; 3-de-O-acylated monophosphoryl lipid A; and saponins~~ consisting of monophosphoryl lipid A, 3-de-O-acylated monophosphoryl lipid A and saponins.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Blanchard whose telephone number is (571) 272-0827. The examiner can normally be reached at Monday through Friday from 8:00 AM to 6:00 PM, with alternate Fridays off. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, can be reached at (571) 272-0832.

The official fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David J. Blanchard/  
Primary Examiner, A.U. 1643